

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: : CHAPTER 11  
:   
CARRIAGE HOUSE CONDOMINIUMS, L.P. : BANKRUPTCY No. 09-12647 SR  
:   
23S23 CONSTRUCTION, INC., : CHAPTER 7  
:   
DEBTORS. : BANKRUPTCY No. 09-12652 SR

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NATIONAL GLASS AND METAL COMPANY, INC.,

PLAINTIFF,

VS.

23S23 CONSTRUCTION, INC.  
CARRIAGE HOUSE CONDOMINIUMS L.P.,  
CARRIAGE HOUSE CONDOMINIUMS G.P., INC.,  
TURCHI, INC., JOHN J. TURCHI, JR., AND  
AMALGAMATED BANK,

DEFENDANTS,

VS.

HUNTER ROBERTS CONSTRUCTION GROUP, INC.

THIRD PARTY  
DEFENDANT.

Adv. No. 09-00120

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D'ANDREA BROTHERS CONCRETE  
COMPANY, INC.,

PLAINTIFF,

VS.

23S23 CONSTRUCTION, INC.,  
CARRIAGE HOUSE CONDOMINIUMS L.P.,  
TURCHI, INC., AND JOHN J. TURCHI, JR.,

DEFENDANTS,

VS.

HUNTER ROBERTS CONSTRUCTION GROUP, INC.,

THIRD PARTY  
DEFENDANT.

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BVF CONSTRUCTION CO, INC.,

PLAINTIFF,

VS.

TURCHI, INC., JOHN J. TURCHI, JR.,  
WALNUT CONSTRUCTION CO., WALNUT STREET,  
1930-34 ASSOCIATES, L.P.  
1930-34 CORP., 23S23 CONSTRUCTION, INC.,  
AND CARRIAGE HOUSE CONDOMINIUMS, L.P.,

DEFENDANTS,

VS.

HUNTER ROBERTS CONSTRUCTION GROUP, INC.

THIRD PARTY  
DEFENDANT.

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23S23 CONSTRUCTION, INC., AND  
CARRIAGE HOUSE CONDOMINIUMS G.P., INC. t/a  
CARRIAGE HOUSE CONDOMINIUMS, L.P.,

PLAINTIFFS,

VS.

HUNTER ROBERTS CONSTRUCTION  
GROUP, LLC.,

DEFENDANT.

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## ORDER

Upon consideration of Defendants' Motion for Reconsideration of Order Denying Defendants' Motion to Dismiss Third Amended Complaint of Plaintiff B.V.F. Construction Co., Inc. (Motion for Reconsideration), the answer thereto of plaintiff B.V.F. Construction Co., Inc., and after a hearing with notice, it is hereby **ORDERED** that:

1. The Motion for Reconsideration is denied except as to Count X as against Turchi, Inc..
2. Count X of the Third Amended Complaint is dismissed as against Turchi, Inc., but not as against John J. Turchi, Jr.
3. Except for the claims in the action which 23S23 Construction, Inc. and Carriage House Condominiums, G.P., Inc. t/a Carriage House Condominiums, L.P. commenced against Hunter Roberts Construction Group, LLC, in the Court of Common Pleas, Philadelphia County, May 2008, No. 00367, the claims in the above-captioned adversary proceeding are hereby remanded to the Court of Common Pleas of Philadelphia County.<sup>1</sup>

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<sup>1</sup> The claims which are remanded are all of the currently existing claims in the lawsuits filed by: (i) National Glass and Metal Co., Inc., November Term, 2007, No. 002696, (ii) D'Andrea Brothers Concrete Company, Inc., April Term, 2007, No. 000644; and (iii) B.V.F. Construction Co, Inc., October Term, 2007, No. 2084.

4. Gary F. Seitz who is the Chapter 7 Trustee in the bankruptcy case of 23S23 Construction, Inc. (Bankruptcy Case No. 09-12652) shall appear for a Show Cause Hearing on July 21, 2011, at 10:30 a.m., Courtroom 4, United States Bankruptcy Court, 900 Market Street, Philadelphia, PA 19107, to report to the Court on the status of the aforementioned bankruptcy case. A separate Show Cause Order to this effect shall also be issued in Bankruptcy Case No. 09-12652.

By the Court:



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Stephen Raslavich  
Chief United States Bankruptcy Judge

Dated: June 22, 2011

Counsel for National Glass and Metal Company, Inc.

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Robert G. Ruggieri, Esquire  
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Chapter 7 Trustee for 23S23 Construction, Inc.

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United States Trustee

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Nancy Mulvehill, Courtroom Deputy to Judge Raslavich